

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PLAZA BANK, a California Corporation,

Plaintiff,

v.

ALAN GREEN FAMILY TRUST, et al.,

Defendants.

Case No. 2:11-cv-00130-MMD-RJJ

ORDER

(Defendants' Motion for District Judge to
Reconsider Magistrate Judge's Order
Denying Defendants' Motion to Extend
Discovery Deadline and Scheduling Order
Dates – dkt. no. 58)

I. SUMMARY

Before the Court is Defendants' Motion for the District Judge to Reconsider Magistrate Judge's Order Denying Defendants' Motion to Extend Discovery Deadline and Scheduling Order Dates ("Motion to Reconsider"). (Dkt. no. 58.) For reasons stated below, the Court DENIES the Motion.

II. BACKGROUND

On February 24, 2012, Magistrate Judge Johnston denied Defendants' Motion to Extend Discovery Time. (Dkt. nos. 57, 45.) Defendants timely filed an objection to the decision and ask this Court to reconsider the Magistrate's Order. (Dkt. no. 58.)

III. DISCUSSION

A. Legal Standard

Magistrate judges are authorized to resolve pretrial matters subject to district court review under a "clearly erroneous or contrary to law" standard. 28 U.S.C. § 636(b)(1)(A); see also Fed. R. Civ. P. 72(a); L.R. IB 3-1(a) ("A district judge may

1 reconsider any pretrial matter referred to a magistrate judge in a civil or criminal case
2 pursuant to LR IB 1-3, where it has been shown that the magistrate judge's ruling is
3 clearly erroneous or contrary to law."). "This subsection would also enable the court to
4 delegate some of the more administrative functions to a magistrate, such as . . .
5 assistance in the preparation of plans to achieve prompt disposition of cases in the
6 court." *Gomez v. United States*, 490 U.S. 858, 869 (1989). "A finding is clearly erroneous
7 when although there is evidence to support it, the reviewing body on the entire evidence
8 is left with the definite and firm conviction that a mistake has been committed." *United*
9 *States v. Ressam*, 593 F.3d 1095, 1118 (9th Cir. 2010) (quotation omitted). A
10 magistrate's pretrial order issued under 28 U.S.C. § 636(b)(1)(A) is not subject to *de*
11 *novo* review, and the reviewing court "may not simply substitute its judgment for that of
12 the deciding court." *Grimes v. City & County of San Francisco*, 951 F.2d 236, 241 (9th
13 Cir. 1991).


14 **B. Analysis**

15 After reviewing Magistrate Judge Johnston's Order, Defendants' Objections, and
16 Plaintiff's Response, the Court determines that the Magistrate Judge's Order (dkt. no.
17 57) was not clearly erroneous or contrary to law. Defendants' Motion is therefore
18 DENIED.

19 **IV. CONCLUSION**

20 IT IS THEREFORE ORDERED that Defendants' Motion for District Judge to
21 Reconsider Magistrate Judge's Order Denying Defendants' Motion to Extend Discovery
22 Deadline and Scheduling Order Dates (dkt. no. 58) is DENIED.

23 DATED THIS 21th day of August 2012.

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26 UNITED STATES DISTRICT JUDGE